THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.13370 of 1996

20.2.2007

Between:

Dudekula Rasool, S/o.Imam Sab

… Petitioner

AND

The Mandal Revenue Officer, Ananthapur Mandal, Ananthapur Dsitrict And others

… Respondents

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WRIT PETITION No.13370 of 1996

ORDER:

Land admeasuring Acs.0.01 (48.4 Sq.yards) in survey No.189 (T.S. No.2684/1) of Ananthapur, was assigned to Dudekula Kullayamma, W/o.Laleppa by the then Tahsildar, Ananthapur, on 15.1.1974. The petitioner purchased the same in the year 1980 and constructed a house in the plot. It appears that the respondents 4 and 5, who allegedly had no relations with Kullayamma, filed an application before the first respondent for restoration of the land invoking the provisions of A.P. Assigned Lands (Prohibition of Transfers) Act, 1977. By an order dated 14.11.1992, the first respondent ordered resumption of the land in faavour of contesting respondents. The petitioner filed appeal before the Revenue Divisional Officer (RDO), second respondent herein, who by order dated 13.4.1995 allowed the appeal and set aside the proceedings of the Mandal Revenue Officer (MRO), first respondent herein. This was challenged by respondents 4 and 5 by way of revision before the third respondent, who by order dated 17.6.1996 allowed the revision setting aside the order of the second respondent. Aggrieved by the same, the present writ petition is filed.

Respondents 1 to 3 have not filed any counter affidavit. Respondents 4 and 5 filed counter affidavit denying various averments. It is their case that they are sons of original assignee, Kullayamma, that the petitioner purchased the land from their mother and having come to know the same, they sought restoration of the land. The allegation that they are not related to Kullayamma is denied. They also relied on the death certificate, family members certificate, Transfer Certificate of fourth respondent showing the details of the father, voters list and copies of adangals, in support of the

contention that they are legal heirs of the original assignee, Kullayamma, and are entitled for restoration of the land.

This Court heard learned Counsel for the petitioner, learned Assistant Government Pleader for Revenue (Assignment) and learned Counsel for respondents 4 and 5. As rightly pointed out by the learned Counsel for contesting respondents, the question whether respondents 4 and 5 are the sons of the original assignee, Kullayamma, is a question of fact, which has been decided by the third respondent basing on the documents and the record. Therefore, the same does not warrant any interference. Learned Counsel for the petitioner submits that though the petitioner engaged Counsel, the third respondent failed to issue notice of hearing rendering the impugned order invalid. This Court afraid the said submission cannot be accepted. When a quasi judicial authority, during the course of hearing, fixed a date of hearing presumably in the presence of the Counsel, no notice regarding the next date of hearing is required to be issued.

The writ petition is devoid of any merit and is accordingly dismissed. No costs.

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(**V.V.S.RAO,J**)

February 20, 2007.
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